

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:

Dallas Earl Tyson
545 Burrage Rd. NE
Concord, NC 28025

Colleen Barrett Tyson
545 Burrage Rd. NE
Concord, NC 28025

SS# xxx-xx-8808

SS# xxx-xx-0131

Debtor(s)

Case No. _____

Chapter 13

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on February 22, 2017.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$3,225.00** per month for a period of **60** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs**1. Attorney fees.**

- ☒ The attorney for the Debtor will be paid the base fee of \$4,500.00. The Attorney has received \$ **500.00** from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.

☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

2. Trustee costs. The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses**III. Priority Claims**

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

a. ☒ None

b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.

d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Cabarrus County Tax Collector	\$0.00
Credit Bureau	\$0.00
Employment Security Commission	\$0.00
IRS	\$0.00
NC Department of Revenue	\$0.00

IV. Secured Claims**1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Everhome Mortgage Co/Ever Bank	545 Burrage Rd. NE Concord, NC 28025 Cabarrus County 4 bed, 2.5 bath, 1518 sqft Tax Value \$168,190.00	NR	Y	\$391.36	\$0.00	T
Shellpoint Mortgage Se	545 Burrage Rd. NE Concord, NC 28025 Cabarrus County 4 bed, 2.5 bath, 1518 sqft Tax Value \$168,190.00	NR	Y	\$585.00	\$0.00	T

2. Personal Property Secured Claimsa. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
World Omni Financial	2015 Toyota RAV4 18,000 miles Utility 4D XLE 2WD I4 NADA Clean Retail \$22,250.00	\$24,947.00	N	\$0.00	\$47.00	\$476.52	5.5%
World Omni Financial	2014 Toyota Tundra 16,400 miles SR 2WD 5.7L V8 NADA Clean Retail \$22,600.00	\$20,246.00	N	\$0.00	\$38.00	\$386.72	5.5%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 100 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☒ None
- b. Other classes of unsecured claims and treatment

c. Other Special Terms

Date: **February 22, 2017**

/s/ Kristen Nardone

Kristen Nardone 28063

Attorney for the Debtor

Address: **PO Box 1394
Concord, NC 28026-1394**

Telephone: **704-784-9440**

State Bar No. **28063**

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re: Dallas Earl Tyson Colleen Barrett Tyson SS# <u>xxx-xx-8808</u> SS# <u>xxx-xx-0131</u> <div style="text-align: right;">Debtor(s)</div>))))))))	NOTICE TO CREDITORS AND PROPOSED PLAN Case No. _____
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402

Kathryn L. Bringle
Chapter 13 Trustee
Winston-Salem Division
Post Office Box 2115
Winston-Salem, NC 27102-2115

AAFES
Attn: AA-T/R
3911 S. Walton Walker Blvd.
Dallas, TX 75236-1598

Bank Of America
Nc4-105-03-14
Po Box 26012
Greensboro, NC 27410

Bank Of America
Po Box 982238
El Paso, TX 79998

Cabarrus County Tax Collector
Box 707
Concord, NC 28026

Citibank/The Home Depot
Citicorp Cr Srvs/Centralized Bankruptcy
Po Box 790040
S Louis, MO 63129

Citibank/The Home Depot
Po Box 6497
Sioux Falls, SD 57117

Comenity Bank/Express
Po Box 18215
Columbus, OH 43218

Comenity Bank/Express
Po Box 182789
Columbus, OH 43218

Credit Bureau
ATTN: Officer or Managing Agent
PO Box 26140

Greensboro, NC 27402-6140

**DavisNardone PC
PO Box 1394
Concord, NC 28026**

**Employment Security Commission
PO Box 26504
Raleigh, NC 27611-6504**

**Everhome Mortgage Co/Ever Bank
Attn: Bankruptcy Department
301 West Bay Street
Jacksonville, FL 32202**

**Everhome Mortgage Co/Ever Bank
301 W Bay St
Jacksonville, FL 32202**

**Genpact Services, LLC
1155 Avenue of the Americas, 4th Floor
New York, NY 10036**

**IRS
PO Box 7346
Philadelphia, PA 19101-7346**

**Kohls/Capital One
Kohls Credit
Po Box 3043
Milwaukee, WI 53201**

**Kohls/Capital One
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051**

**Kohls/Capital One
Kohls Credit
Po Box 3043
Milwaukee, WI 53201**

**Kohls/Capital One
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051**

**Military Star/AAFES
Po Box 650060
Dallas, TX 75265**

**Military Star/AAFES
3911 S Walton Walker Blv
Dallas, TX 75236**

**NC Department of Revenue
Bankruptcy Unit
PO Box 1168
Raleigh, NC 27602**

**Portfolio Recovery
Po Box 41067
Norfolk, VA 23541**

**Portfolio Recovery
120 Corporate Blvd Ste 1
Norfolk, VA 23502**

**Progressive Financial Service
PO Box 22083
Tempe, AZ 85285**

**Receivables Performance Management
PO Box 1548
Lynnwood, WA 98036**

**Shellpoint Mortgage Se
75 Beattie Pl Ste 300**

Greenville, SC 29601

Smith Debnam Narron Drake Saintsing
Attn: Christina McAlpin
PO Box 26268
Raleigh, NC 27611-6268

Southwest Credit Systems
4120 International Parkway Ste 1100
Carrollton, TX 75007

Southwest Credit Systems
4120 International Parkway
Carrollton, TX 75007

Syncb Bank/American Eagle
Attn: Bankruptcy
Po Box 965064
Orlando, FL 32896

Syncb Bank/American Eagle
Po Box 965005
Orlando, FL 32896

Syncb/Basset
Po Box 103104
Roswell, GA 30076

Syncb/Basset
C/o Po Box 965036
Orlando, FL 32896

Synchrony Bank
Po Box 965064
Orlando, FL 32896

Synchrony Bank
Po Box 965028
Orlando, FL 32896

Synchrony Bank
Po Box 965064
Orlando, FL 32896

Synchrony Bank
C/o Po Box 965036
Orlando, FL 32896

Synchrony Bank
Po Box 965064
Orlando, FL 32896

Synchrony Bank
Po Box 965028
Orlando, FL 32896

Synchrony Bank/Amazon
Po Box 965064
Orlando, FL 32896

Synchrony Bank/Amazon
Po Box 965015
Orlando, FL 32896

Synchrony Bank/Lenscrafters
Po Box 965064
Orlando, FL 32896

Synchrony Bank/Lenscrafters
C/o Po Box 965036
Orlando, FL 32896

Synchrony Bank/Sams
Po Box 965060
Orlando, FL 32896

Synchrony Bank/Sams
Po Box 965005
Orlando, FL 32896

Synchrony Bank/Sams
Po Box 965060
Orlando, FL 32896

Synchrony Bank/Sams
Po Box 965005
Orlando, FL 32896

Transworld System Inc
2235 Mercury Way
Ste 275
Santa Rose, CA 95407

Transworld System Inc
2235 Mercury Way Ste 275
Santa Rosa, CA 95407

Transworld System Inc
2235 Mercury Way
Ste 275
Santa Rose, CA 95407

Transworld System Inc
2235 Mercury Way Ste 275
Santa Rosa, CA 95407

Wells Fargo
Mac F82535-02f
Po Box 10438
Des Moines, IA 50306

Wells Fargo
3201 N 4th Ave
Sioux Falls, SD 57104

Wells Fargo
Mac F82535-02f
Po Box 10438
Des Moines, IA 50306

Wells Fargo
3201 N 4th Ave
Sioux Falls, SD 57104

World Omni Financial
6150 Omni Park Dr
Mobile, AL 36609

World Omni Financial
Po Box 91614
Mobile, AL 36691

World Omni Financial
6150 Omni Park Dr
Mobile, AL 36609

World Omni Financial
Po Box 91614
Mobile, AL 36691

Date: February 22, 2017

/s/ Kristen Nardone
Kristen Nardone 28063